

EXHIBIT 8

From: [Kyle Farrar](#)
To: [Mark Bankston](#)
Subject: FW: Pettita
Date: Tuesday, June 04, 2019 2:46:18 PM
Attachments: [image001.jpg](#)

From: Kyle Farrar
Sent: Tuesday, June 4, 2019 2:32 PM
To: Ben Hulse <BHulse@blackwellburke.com>
Cc: gassaad@kennedyhodes.com; gzimmerman@meshbesh.com; albert@garmtzlaw.com; Carmen Scott <carmen@fbtrial.com>; Deborah E. Lewis <dlewis@blackwellburke.com>; David Oliveira <doliveira@roflp.com>; Jerry Blackwell <blackwell@blackwellburke.com>; Mary Young <myoung@blackwellburke.com>; Lyn Pruitt <LPruitt@mwlaw.com>
Subject: RE: Pettita

Ben – I disagree with your assertions. For the LCA the motion simply states that a motion for sanctions was brought and that the Walton court issued an opinion which cannot be shared. Both of these facts can be found on Pacer.

As for Bair Paws, I quoted directly from a transcript that is on the MDL court's website (as you are well aware from the citation contained in FN. 15 & 16) and not the document itself. If you can cite me to any order or transcript in which the MDL court states the transcripts which are on its publicly available website cannot be quoted, please let me know. I cannot understand 3M's position that a transcript that is currently on the Court's website is public for any use except for the attorneys involved in the litigation or in similar litigation elsewhere.

From: Ben Hulse <BHulse@blackwellburke.com>
Sent: Tuesday, June 4, 2019 1:41 PM
To: Kyle Farrar <kyle@fbtrial.com>
Cc: gassaad@kennedyhodes.com; gzimmerman@meshbesh.com; albert@garmtzlaw.com; Carmen Scott <carmen@fbtrial.com>; Deborah E. Lewis <dlewis@blackwellburke.com>; David Oliveira <doliveira@roflp.com>; Jerry Blackwell <blackwell@blackwellburke.com>; Mary Young <myoung@blackwellburke.com>; Lyn Pruitt <LPruitt@mwlaw.com>
Subject: RE: Pettita

Kyle,

We saw your supplemental filing and take that as your final position that plaintiffs have not violated the sealing orders from Walton and the Bair Hugger MDL. We understand that you have not placed the actual LCA opinion in the record, but you have structured your argument to indicate its content in a way that no one could mistake. The violation of the sealing order concerning the Bair Paws document is straightforward – you've simply quoted language from it into the record. The MDL Court has rejected Plaintiffs' argument that plaintiff's disclosure of the content of a sealed document at a hearing does not unseal it.

Unless the motion to compel in its current form is withdrawn by tomorrow at noon, we will be filing a motion for sanctions in the MDL Court, pursuant to Rule 16(f), for violation of the orders.

Ben

Benjamin W. Hulse
Blackwell Burke P.A.
431 South Seventh Street, Suite 2500
Minneapolis, MN 55415
Direct (612) 343-3256
Fax (612) 343-3205

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From: Kyle Farrar <kyle@fbtrial.com>

Sent: Monday, May 13, 2019 4:14 PM

To: Ben Hulse <BHulse@blackwellburke.com>

Cc: gassaad@kennedyhodes.com; gzimmerman@meshbesher.com; albert@garmtzlaw.com;

Yvonne Maund <ymaund@fbtrial.com>; Deborah E. Lewis <dlewis@blackwellburke.com>; David

Oliveira <doliveira@roflp.com>; Jerry Blackwell <blackwell@blackwellburke.com>; Mary Young

<myoung@blackwellburke.com>; Lyn Pruitt <LPruitt@mwlaw.com>

Subject: RE: Pettita

Ben:

Unfortunately I am not available June 19. Is that a date the Court had available? It is not a date the Court gave to me previously. I would suggest I contact the Court and see what dates they have available and then circulate.

As for the remainder of your email, what part do you believe runs afoul of any orders? I assume because you referred to Judge Hoyt's order you are referring to the LCA section. I was careful to not disclose anything from the order in the motion. Everything thing in the motion is public record. As I am sure you did your research prior to making accusations, you must be aware that the fact the order exists is on Pacer. What about the motion do you contend quotes, paraphrases or characterizes the substance of the order? Plaintiff's motion does not even say the outcome of the order. Also, what MDL order do you claim this violates?

cid:image001.jpg@01D509A8.09F36740



I also do not understand how filing a motion to compel can be construed as "a vehicle to vitiate sealing orders from the MDL." Is it your contention that Mr. Pettita has less rights than plaintiffs in the MDL? What is it about filing a motion to compel that even implicates unsealing documents? I am unaware of any other process by which to seek the production of documents when a defendant refuses to produce them voluntarily.

Perhaps with some explanation of 3M's position we can reach a resolution.

-----Original Message-----

From: Ben Hulse <BHulse@blackwellburke.com>

Sent: Monday, May 13, 2019 11:32 AM

To: Kyle Farrar <kyle@fbtrial.com>

Cc: gassaad@kennedyhodes.com; gzimmerman@meshbesher.com; albert@garmtzlaw.com; Yvonne Maund <ymaund@fbtrial.com>; Deborah E. Lewis <dlewis@blackwellburke.com>; David Oliveira <doliveira@rofillp.com>; Jerry Blackwell <blackwell@blackwellburke.com>; Mary Young <myoung@blackwellburke.com>; Lyn Pruitt <LPruitt@mwlaw.com>

Subject: RE: Pettita

Kyle,

It looks like June 19 is available and would work on our end. If that works for your side, then David Oliveira will work with Mr. Garcia to get the hearing reset.

By this email we also request that you immediately withdraw your motion to compel, which violates orders sealing Judge Hoyt's opinion as well as Judge Ericksen's sealing orders. Publicly quoting, paraphrasing, or characterizing the substance of sealed documents does not comply with the courts' orders. You may recall what Judge James said in her 11/12/15 order in the Johnson case, when you tried the same thing in a motion to compel. Or much more recently, the MDL Court's order indicating that sanctions would be imposed for further public filings of sealed documents by plaintiffs' counsel.

We pointed out before that you and your co-counsel are rather obviously attempting to use Mr. Pettita's case as a vehicle to vitiate sealing orders from the MDL. You took great exception to that. Your motion to compel has proved our point.

Regards,
Ben

Benjamin W. Hulse
Blackwell Burke P.A.
431 South Seventh Street, Suite 2500
Minneapolis, MN 55415
Direct (612) 343-3256
Fax (612) 343-3205

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-----Original Message-----

From: Kyle Farrar <kyle@fbtrial.com>

Sent: Monday, May 13, 2019 10:45 AM

To: Ben Hulse <BHulse@blackwellburke.com>

Cc: gassaad@kennedyhodes.com; gzimmerman@meshbeshher.com; albert@garmtzlaw.com;

Yvonne Maund <ymaund@fbtrial.com>; Deborah E. Lewis <dlewis@blackwellburke.com>

Subject: RE: Pettita

Ben - we are leaving the county in two days. As you saw, we filed a motion to compel. I would suggest we have both motions heard on the same date, but I still don't have any new dates from you. I will have to file a motion to move the hearing date if I don't hear from you soon. Can you let me know your side's plan here?

-----Original Message-----

From: Kyle Farrar

Sent: Thursday, May 9, 2019 9:06 AM

To: Ben Hulse <BHulse@blackwellburke.com>

Cc: gassaad@kennedyhodes.com; gzimmerman@meshbeshher.com; albert@garmtzlaw.com;

Yvonne Maund <ymaund@fbtrial.com>; Deborah E. Lewis <dlewis@blackwellburke.com>

Subject: Re: Pettita

Ben - anything from your side in this issue?

> On May 2, 2019, at 3:53 PM, Kyle Farrar <kyle@fbtrial.com> wrote:

>

> Thanks Ben. I did see that. Let me know what you guys can work out or if I need to call the Court and request some additional dates. If the later, I think the Court may require a motion which we can get drafted and filed.

>

> -----Original Message-----

> From: Ben Hulse <BHulse@blackwellburke.com>

> Sent: Thursday, May 2, 2019 3:52 PM

> To: Kyle Farrar <kyle@fbtrial.com>

> Cc: gassaad@kennedyhodes.com; gzimmerman@meshbeshher.com;

> albert@garmtzlaw.com; Yvonne Maund <ymaund@fbtrial.com>; Deborah E.

> Lewis <dlewis@blackwellburke.com>

> Subject: RE: Pettita

>

> Kyle, we'll definitely agree to move the hearing date. You may have seen that Ron Hole just filed a vacation notice covering that day as well. We are still trying to resolve conflicts on our end with the other dates you've suggested.

>

> -Ben

>

> Benjamin W. Hulse

> Blackwell Burke P.A.

> 431 South Seventh Street, Suite 2500

> Minneapolis, MN 55415

> Direct (612) 343-3256

> Fax (612) 343-3205

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>

> -----Original Message-----

> From: Kyle Farrar <kyle@fbtrial.com>

> Sent: Wednesday, May 01, 2019 9:37 PM

> To: Ben Hulse <BHulse@blackwellburke.com>

> Cc: gassaad@kennedyhodes.com; gzimmerman@meshbesh.com;

> albert@garmtzlaw.com; Yvonne Maund <ymaund@fbtrial.com>; Foley, Zandra

> <zfoley@thompsonco.com>; Deborah E. Lewis <dlewis@blackwellburke.com>

> Subject: Re: Pettita

>

> Ben - any update?

>

>> On Apr 29, 2019, at 8:55 AM, Kyle Farrar <kyle@fbtrial.com> wrote:

>>

>> Thanks Ben.

>>

>> I assume they are all 9:39 but I'm happy to call the court to confirm.

>>

>>> On Apr 29, 2019, at 8:27 AM, Ben Hulse <BHulse@blackwellburke.com> wrote:

>>>

>>> Kyle, we are looking at the dates on our end and will get back to you shortly. Are those all 9.30 a.m. start times? By the way, you had an incorrect email address for Zandra Foley, so I've copied the correct one here.

>>>

>>> Thanks.

>>>

>>> -Ben

>>>

>>> Benjamin W. Hulse

>>> Blackwell Burke P.A.

>>> 431 South Seventh Street, Suite 2500 Minneapolis, MN 55415 Direct

>>> (612) 343-3256 Fax (612) 343-3205

>>>

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>>>

>>> -----Original Message-----

>>> From: Kyle Farrar <kyle@fbtrial.com>

>>> Sent: Thursday, April 25, 2019 7:19 PM

>>> To: Deborah E. Lewis <dlewis@blackwellburke.com>; Ben Hulse

>>> <BHulse@blackwellburke.com>; zfokey@thompsoncie.com

>>> Cc: gassaad@kennedyhodes.com; gzimmerman@meshbesh.com;

>>> albert@garmtzlaw.com; Yvonne Maund <ymaund@fbtrial.com>

>>> Subject: Pettita

>>>

>>> Counsel, we are not available on 5/22 for the hearing on the protective order. Genevieve, Gabe and myself are scheduled to take depositions overseas that week.

>>>

>>> The Court has 5/28, 5/29 and 6/4. If we can agree on any of these dates I will notify the Court (as well as other counsel) and we can reschedule. Can you please let me know if any of the alternative dates are available.

>>>

>>> Regards,

>>>

>>> Kyle.

>>>